

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

 Judgment Creditor,

v.

OLEG ASHER KATAEV,

 Judgment Debtor,

and

JPMORGAN CHASE BANK, N.A.,

 Garnishee.

16 CR 0763-05 (LGS)

**FINAL ORDER OF
GARNISHMENT**

WHEREAS pursuant to the Mandatory Victim Restitution Act (“MVRA”), 18 U.S.C. § 3613, and the Federal Debt Collection Procedure Act, 28 U.S.C. § 3205, the United States sought, obtained, and served a writ of garnishment on JPMorgan Chase Bank, N.A., for substantial nonexempt property belonging to or due the judgment debtor, OLEG ASHER KATAEV (Dkts. 497, 498);

WHEREAS the garnishee JPMorgan Chase Bank, N.A., answered that it has OLEG ASHER KATAEV’s 1) Checking Account, number ending in 3065 with an approximate value of \$15,120.90; 2) his Savings Account, number ending in 9635 with an approximate value of \$3,725.05; and 3) two separate Brokerage Retirement Accounts, numbers ending in 6650 and 8671 with approximate values, subject to market fluctuation, of \$44,112.82 and \$0.00 respectively, in its possession, custody or control (Dkt. 514);

WHEREAS the judgment debtor received notice of each filing in the garnishment process via the Court’s Case Management and Electronic Filing System (Dkt. 498), and counsel for the United States served the garnishment process on the judgment debtor by mail (Dkt.

498);

WHEREAS, the judgment debtor has neither claimed an exemption nor requested a hearing nor objected to the garnishee's answer, and the statutory time-period in 28 U.S.C. § 3202(d) and 3205(c)(5) to do so has expired; and

WHEREAS, the judgment debtor owes \$1,536,883.65 in restitution to the victims of his crime;

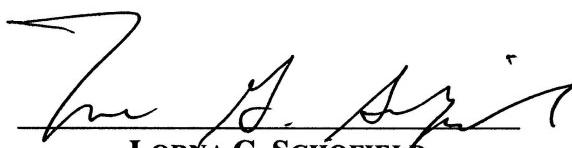
IT IS HEREBY ORDERED that the garnishee, JPMorgan Chase Bank, N.A., shall liquidate securities in the Brokerage Retirement Accounts ending in 6650 and 8671 belonging to OLEG ASHER KATAEV as needed to pay the full liquidated value, less any deductions required by law, with no withdrawal penalty, to the Clerk of Court toward the outstanding restitution. *See United States v. Irving, 4452 F.3d 110, 126* (2d Cir. 2006) (MVRA permits the government to garnish assets held in a retirement account, including an IRA, to satisfy a restitution order); and *United States v. Novak, 476 F.3d 1041, 1062* (9th Cir. 2006) (involuntary court-ordered distributions from retirement accounts to pay criminal restitution are not subject to additional tax or penalty for early withdrawal); and

IT IS FURTHER ORDERED that the garnishee JPMorgan Chase Bank, N.A. shall liquidate the balances held in Checking Account, number ending in 3065, and Savings Account, number ending in 9635, belonging to OLEG ASHER KATAEV and pay the full liquidated value to the Clerk of Court toward the outstanding restitution.

Payments should be made to "Clerk of Court" with OLEG ASHER KATAEV and No. 16 CR 0763-05 written on the face of the payment mailed or delivered to the United States District

Court, 500 Pearl Street, Room 260, New York, New York 10007, Attn: Cashier.

Dated: New York, New York
September 8, 2023



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE